

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
V. §
§
CHRISTOPHER LEE THOMPSON §

CRIMINAL NO. 4:04-CR-73-001

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On September 17, 2007, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant, Christopher Lee Thompson. Defendant consented to proceed by video conference. Defendant stated he understood that he was under oath, understood the proceeding before him, consulted with his attorney, was satisfied with his attorney, and was competent and ready to plead true. The government was represented by Josh Burgess, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Attorney Denise Benson.

Defendant originally pleaded guilty to the offense of Obstruction of Mail, a Class B misdemeanor. The offense carried a statutory maximum imprisonment term of six (6) months. On October 4, 2004, The Honorable Don D. Bush of the Eastern District of Texas sentenced Defendant to three (3) years probation subject to the standard conditions of release, plus special conditions to include financial disclosure, credit restrictions, mental health treatment, a \$10 special assessment and a \$500 fine.

Under the terms of supervised release, Defendant was prohibited, in relevant part, from: committing another Federal, State, or local crime during the term of supervision. In its petition, the government alleges that Defendant violated his conditions of supervised release by committing

Attempted Aggravated Sexual Assault, Grayson County District Cause No. 055204-336.

If the Court finds by a preponderance of the evidence that Defendant committed this violation, a statutory sentence of no more than six (6) months of imprisonment may be imposed. 18 U.S.C. § 3581(b)(7). Pursuant to Section 7B1.1(a)(1) of the Sentencing Guidelines, violating a condition of supervision by committing conduct constituting a federal, state, or local offense punishable by a term of imprisonment exceeding one year that is a crime of violence, would constitute a Grade A Violation, for which the Court shall revoke Defendant's term of supervised release in favor of a term of imprisonment. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of I, the Guideline imprisonment range for a Grade A violation is 12 to 18 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement whereby Defendant would plead true to the fact that he had been convicted in a jury trial of Attempted Aggravated Sexual Assault, Grayson County District Cause No. 055204-336. Defendant continues to profess his innocence to Cause No. 055204-336, but pleads true to the fact of his conviction. The parties have not, however, agreed to a term of imprisonment that would follow the revocation of Defendant's probation.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Christopher Lee Thompson be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months with no supervision to follow. The term of imprisonment should be served consecutively with any sentence imposed in Grayson County District Cause No. 055204-336.

The parties have waived their right to object to the findings of Magistrate Judge John D. Love in this matter so the Court will present this Report and Recommendation to Magistrate Judge Don D. Bush for adoption immediately upon issuance.

So ORDERED and SIGNED this 24th day of September, 2007.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE